

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MIGUEL RIOS,

Plaintiff,

-against-

MTA; CITY OF NEW YORK,

Defendants.

19-CV-8165 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

By order dated January 10, 2020, the Court directed Plaintiff to show cause within 30 days why the Court should not dismiss the complaint for lack of subject matter jurisdiction. On February 20, 2020, that order was returned to the Court with a notation of “Return to Sender” stamped on the envelope.¹ Plaintiff has not complied with the Court’s order, has failed to notify the Court of a change of mailing address, and has not initiated any further contact with the Court, written or otherwise. Accordingly, the Court dismisses the complaint for lack of subject matter jurisdiction without prejudice to Plaintiff’s refiling the action in state court. *See* Fed. R. Civ. P. 12(h)(3).

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose

¹ On January 15, 2020, the Court received two of its previous orders that were mailed to Plaintiff with notations on the envelopes stating that the address was insufficient and that the Postal Service was unable to forward. The mailing address on those envelopes matched the address provided by Plaintiff, and a previous order issued by the Court, dated September 23, 2019, and mailed to the same address, was not returned.

of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: March 6, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge